THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9205 OF 1997

DATED 06.07.2006

BETWEEN

Bantu Chinnaiah (Died) per LRs and others.

… Petitioners

and

The Collector, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9205 OF 1997

ORDER:

Mandal Revenue Officer, Shabad, assigned an extent of Acs.2.19 guntas of land comprised in survey Nos.109, 153 and 216 situated at Bobbilgam village, by proceedings, dated 24.03.1986, to the petitioner. It appears six of petitioner's brothers made a representation to the District Collector seeking assignment of land. The said representation was endorsed by the District Collector to Mandal Revenue Officer, who by proceedings impugned herein, dated 06.11.1996 cancelled the assignment made in favour of the petitioner and ordered for allotment of land to the petitioner and his six brothers equally. Aggrieved by the same, the present writ petition is filed.

The writ petition is filed mainly on the ground that though the petitioner was enjoying the land from 1986, the same was cancelled without giving any notice. A counter affidavit is filed by the Mandal Revenue Officer, Shabad. The allegation that the impugned order was not preceded by notice is not denied. For this reason alone, the impugned order is unsustainable as the same involves in civil consequences. No person can be deprived of the property without notice. If the assignment is to be cancelled, the third respondent has to follow due process of law by issuing notice and conducting enquiry. Merely because other brothers requested for assignment of land, the same cannot be a ground for cancellation of assignment.

The writ petition is accordingly allowed without costs.

(V.V.S.RAO,J)

06.07.2006
pln